

Government Administration and Elections Committee

PUBLIC HEARING AGENDA

Friday, March 2, 2012 - 11:00 AM in Room 2A of the LOB

HB 5027 Section 45

Good morning Senator Slossberg, Representative Morin, Ladies and Gentlemen of the Government Administration and Elections Committee. My name is Guy Sullivan and I am testifying in regard to HB 5027, and specifically in regard to Section 45. Though a gubernatorial appointee to the Council and Chair of the Proposal Review Committee, I speak before you today as a private citizen.

Section 45 of HB 5027 seeks to establish a Council on Developmental Disabilities. Though in operation today, the Council was never formed properly and yet has been disbursing federal funds for over 30 years. The federal law which statutorily defines the Council is known as the *Developmental Disabilities Act of 2000*.¹ That law specifies how the Council should operate and how it should choose a "Designated State Agency". The Congress specified that it intended for the Council be free of influence, both purposeful and accidental.

In 1994, the Congress required that the Designated State Agency in charge of disbursing federal funds be subject to review and required to meet several conditions ensuring its lack of influence over the State Council. That was apparently never done here in Connecticut. It wasn't until an FOIC complaint, an inquiry to the Auditors of Public Accounts, a complaint with the EEOC² and the finding that troves of Council documents had been systematically destroyed last spring, did the lapse in adhering to federal law become known. Even after discovery, this fact was withheld from the current members of the Council, again depriving them of a voice in choosing their Designated State Agency.

My interest in this bill grew out of the questionable election of the current Executive Director and the repayment of an apparent misappropriation of \$40,000 by a former employee of the Council.

Last year a Freedom of Information request was filed to examine the questionable activities of the Council as it related to the selection of a new Executive Director and the appearance of widespread violations of federal law by the Council.³ That inquiry and others revealed a pattern of interference by the Department of Developmental Services in the affairs of the Council. This influence over the affairs of the Council by the DDS is specifically prohibited by the *DD Act of 2000*.⁴

¹ See P.L. 106-402

² See EEOC #523-2011-00522

³ See FIC # 2011-227

⁴ See P.L. 106-402; Subtitle B - Federal Assistance to State Developmental Disabilities Councils, 42 U.S.C. 15025 Sec. 125(d)

Currently as written, HB 5027 Sec. 45 may in fact violate federal law. Allowed to pass unaltered, the Committee will be forwarding a bill with a Section buried within that will ask the members of the Connecticut General Assembly to vote and violate federal law as per P.L. 106-402.

The federal law that gives rise to Council on Developmental Disabilities, the DD Act of 2000 stipulates in careful detail how the Governor and the Council are to choose a Designated State Agency responsible for handling the disbursement of federal funds at the direction of the Council.

Part of this ability for such a Council to disburse federal funds, to effect positive changes the lives of persons with developmental disabilities, is contingent upon this Council being free from interference from the Designated State Agency which actually controls fund administration and disbursement.

The need to have the formation of a Council here in Connecticut comply with the law came into stark relief this past year. For example, just this past summer it was been alleged that the Council met in secret to use a quota system to discriminate and limit Council participation from persons and families with cerebral palsy.⁵

At those same secret meetings it is alleged that the Council and its Executive Director used those secret meetings to allegedly impose a quota system on persons and families affected by autism. A complaint has been filed asking the *Office of Civil Rights* to immediately investigate such egregious examples of discrimination against the disabled by the Council itself.⁶

This situation has to be addressed otherwise millions of dollars in federal aid to Connecticut is at risk. We are at risk for having this funding cut off in light of several complaints filed with the Office of Inspector General – Department of Health and Human Services.

Please ask to have the choice of Department of Developmental Services, as the so-called Designated State Agency, rescinded. It behooves this Committee and the General Assembly to ask the Governor to cure the defect by designating an agency other than DDS to fulfill our need and obligation to comply with the DD Act.

It is my sincere hope that my testimony enables the Committee members to ask important and informed questions so that the Governor's office may cure the defect in this proposed bill and allow the General Assembly to pass a bill that enables us to support the betterment of persons with developmental disabilities and to not run the risk of losing these important federal dollars.

Thank you for your time and I am willing to take questions.

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⁵ See FIC # 2011-640

⁶ See OCR - Department of Health and Human Services # 01-11-132345